

Minutes
Senate Committee on Public Health, Welfare, and Labor
House Committee on Public Health, Welfare, and Labor
Virtual Joint Meeting
Monday, June 8, 2020
9:00 A.M.

Committee Members Present in Committee Room A: Senators Missy Irvin, Chair; David Wallace, Vice-Chair; Kim Hammer, and Scott Flippo Representatives Jack Ladyman, Chair; Austin McCollum, Bruce Coleman, Clint Penzo, Jeff Wardlaw, John Payton, Josh Miller, Justin Gonzales, Karilyn Brown, Kenneth Ferguson, Lee Johnson, Mark Perry, Mary Bentley, and Michelle Gray

Committee Members Present on Zoom: Representative Deborah Ferguson, Vice-Chair

Other Legislators Present: Senators Breanne Davis, Johnathan Dismang, Jim Hendren, and Trent Garner Representatives Danny Watson, Denise Ennett, Jack Fotner, Jimmy Gazaway, Johnny Rye, Keith Slape, Les Eaves, Marcus Richmond, Matthew Shepherd, and Stan Berry

Call to Order and Comments Representative Ladyman called the meeting to order.

Consideration to Adopt Meeting Minutes from May 4, 2020 [Exhibit C] Without objection, the minutes were adopted.

Arkansas Department of Human Services, Division of County Operations, Review of Rule [Exhibit D]

Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS discussed the supervision of personal care rates. This would include those who enter homes in order to help patients with every day tasks. Supervisors would no longer have to be registered nurses, but those with lesser qualifications as well. This rule would be more in line with what the department of health has put in place. This would also address the frequency at which visits are made to patient homes throughout the year.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Human Services, Division of County Operations, Review of Rule [Exhibit E]

Mary Franklin, Director, Division of County Operations discussed changes to the Medicaid Services Policy Manual to reflect a limit on non medical expenses for patients covered by Medicaid. This does not include cosmetic surgery unless prescribed by a medical professional.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Rule [Exhibit F]

Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS discussed an amendment to the Self-Direction Budget Calculation methodology for the Independent Choices Program for those receiving care inside their homes. Patients would choose who provides that care and pay them according to a formula. Jerald Sharum, Director, Division of Provider Services and Quality Assurance discussed the calculation details leading to an increase in minimum wage and personal care rate.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Rule [Exhibit G]

Melissa Stone, Division Director for Developmental Disabilities Services discussed the proposed rate increase of 11% for Early Intervention Day Treatment and Adult Developmental Day Treatment along with the positive opinions of providers involved with the rate increase. The rate went into effect earlier in the year at the request of providers.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Rule [Exhibit

H] Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS discussed changes to the Medicaid State Plan in relation to opioids; specifically monitoring the use of antipsychotics in children and establishing new processes against fraud.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Rule [Exhibit I]

Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS discussed the removal of a decommissioned software known as Provider Electronic Solutions (PES) from provider manuals when referenced. Transitional software was accessible to providers.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Rule [Exhibit J]

*This item was held until the June 9th, 2020 meeting.

Arkansas Department of Human Services, Division of Medical Services, Review of Rule [Exhibit

K] Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS discussed a rate increase for the vaccine administration fee. This would not cover the overhead cost of purchasing the vaccine.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Rule [Exhibit L]

Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS discussed the rate affiliated with purchasing Durable Medical Equipment (DME). Language would be added to state DME would not be purchased at a higher price than for what it is purchased for by Medicare.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Human Services, Division of Medical Services, Review of Rule [Exhibit

M] Mark White, Chief Legislative and Intergovernmental Affairs Officer and Chief of Staff, DHS discussed a 5% rate increase for physicians' evaluation and management services to go into effect July 1, 2020. An additional 3% rate increase may occur in the future, but would not go into effect until January 1, 2021. This would mean a \$1.3 million increase in general revenue. Rates were set based on surveys filled out by stakeholders along with data based on location and types of clinics involved.

Representative Bentley made a motion to defer the rule back to the agency, so that a new rule can be presented that includes an 8% increase all at one time.

Representative Wardlaw made a substitute motion to consider the rule reviewed with the understanding that DHS will present the additional 3% rate increase to the committee before the end of the calendar year. Without objection, the substitute motion carried.

Arkansas Department of Human Services, Division of Developmental Disabilities Services, Review of Rule [Exhibit N]

Melissa Stone, Director, Division of Developmental Disabilities Services discussed a Children with Chronic Health Conditions rule which would establish the eligibility criteria for a federally funded grant. The grant provides nursing staff, vehicle modifications, adaptive equipment, pharmaceuticals, medical procedures, and medical camps.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Health, Division, Center for Health Practice, Review of Rule [Exhibit O]

Laura Shue, JD, General Counsel, Arkansas Department of Health (ADH) discussed the revision of rules in relation to the administration of vital records by amending the death certificate registration process which requires a medical certification to be completed electronically. This includes all medical certifiers in case of

death. The rule also adds language that requires reports on induced terminations to determine if the abortion resulted in a live birth.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Department of Health, Division of Health Related Boards and Commissions, Arkansas State Board of Examiners in Speech-Language Pathology and Audiology, Review of Rule [Exhibit P]

Elizabeth Williams, CCC-SLP, Board Chair discussed the need to make the licensing process faster by delegating the board director the authority to issue licenses so applicants don't have to wait until the board meets. Additionally, in an effort to make their process more cost friendly, the licensing cost has been lowered. Automatic licensure is available for certain military applicants.

Representative Ladyman stated that without objection the rule stands as reviewed.

Arkansas Energy and Environment Department, Office of the Chief Counsel, Review of Amendments to Rule 27 [Exhibit Q]

*This item was held until the June 9th, 2020 meeting.

Buffalo River Conservation Committee Report [Exhibit R]

*This item was held until the June 9th, 2020 meeting.

Big Creek Research Project Report [Exhibit S]

*This item was held until the June 9th, 2020 meeting.

Arkansas Department of Energy and Environment, Division of Environmental Quality, Review of Rule [Exhibit T]

Representative Payton made a motion to consider Exhibit T not reviewed. Without objection, the motion carried.

Arkansas Department of Energy and Environment, Division of Environmental Quality, Review of Rule [Exhibit U]

*This item was held until the June 9th, 2020 meeting.

Other Business: Jennifer Dillaha, MD, State Epidemiologist, Arkansas Department of Health discussed an update on the COVID-19 virus. At the time of the meeting there were 9,426 cases in Arkansas with 154 deaths. There was a steady increase in cases with a large number being found in the Northwest area of the state; specifically Benton county and Washington county. To increase testing capacity, the Health Department has acquired a high throughput testing machine which allows for approximately 1,000 tests a day. There is also a call-in-line so the public may call to ask questions about the situation at hand. With the increase in testing, comes an increase of cases. Contact tracing is still in place. Vaccination schedules have been postponed due to the virus. Unique ways of administering vaccines are being discussed in order to get children caught up.

With no further business, the meeting recessed at 12:11 p.m. until June 09, 2020 at 1:00 p.m.